

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CRIMINAL CASE NO. 3:07cr250

UNITED STATES OF AMERICA,

vs.

DANNY BRACHTENDORF.

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ORDER

THIS MATTER is before the Court *sua sponte* to continue the case.

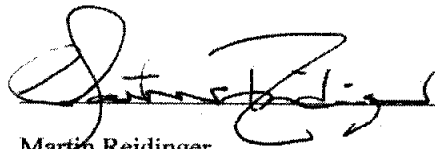
On October 19, 2007, the Defendant was charged in a criminal complaint with re-entering the United States after being deported as an alien, in violation of 8 U.S.C. § 1326(a). An initial appearance was held on October 19, 2007, at which time counsel was appointed. On October 24, 2007, the Defendant was indicted in a one-count bill of indictment and charged with violating 8 U.S.C. § 1326(a). An arraignment was held on November 1, 2007, at which time the Defendant appeared through counsel. At the arraignment, the Defendant's case was placed on the November 27, 2007 calendar for trial.

The Court finds that counsel would not have an adequate opportunity to prepare for trial, taking into account the exercise of due diligence. The Court therefore finds that a failure to grant the continuance "would unreasonably deny the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C. § 3161(h)(8)(B)(iv).

For the reasons stated herein, the ends of justice served by the granting of the continuance outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

IT IS, THEREFORE, ORDERED that the above-captioned case is **CONTINUED** from the November 27, 2007 term in the Charlotte Division.

Signed: November 5, 2007


Martin Reidinger
United States District Judge

